

**Notice of Allowability**

Application No.

10/730,083

Applicant(s)

SANDERS, DAVID M.

Examiner

Charles A. Marmor, II

Art Unit

3736

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview of 24 May 2005.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 09 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

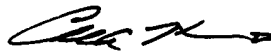
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>05242005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>12092003</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____  |

  
Charles A. Marmor, II  
Primary Examiner  
Art Unit: 3736

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Warren Edmonds (Reg. No. 39,642) for John Wenzel and Richard C. Litman on May 24, 2005.

2. The application has been amended as follows:

#### IN THE SPECIFICATION:

- a. At page 4, line 3, "scientist" has been changed to --scientists--.
- b. At page 12, line 11, "174" has been changed to --172--.
- c. At page 12, line 12, "174" has been changed to --172--.
- d. At page 12, line 15, "174" has been changed to --172--.

#### IN THE CLAIMS:

- a. In claim 1, line 8, -- from said plurality of images -- has been inserted following "image" (second occurrence).
- b. In claim 2, line 5, -- adapted to be -- has been inserted following "ring".
- c. In claim 11, line 1, "claim 1" has been changed to --claim 9--.
- d. In claim 14, line 5, -- adapted to be -- has been inserted following "ring".

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-12, no prior art of record teach or fairly suggest an infant eye trainer including an image display device in the front panel of a case; an image storage medium having a plurality of images stored thereon removably inserted in an insertion port defined in the case; an image selector that selects an image stored on the image storage medium for display; and a bottle mount for mounting the case on the base of a baby bottle.

Van de Carr et al. (U.S. Patent No. 4,655,715) teach a baby bottle holder that represents the closest prior art of record. The bottle holder of Van de Carr et al. fails to teach or suggest at least an image selector for selecting an image from the plurality of images stored on an image storage medium for display on an image display device.

Regarding claims 13-17, no prior art of record teach or fairly suggest an infant eye trainer including a transparent image display window disposed on the front panel of a case; an image wheel having at least one translucent image releasably inserted into an image wheel receiving slot defined on the case; an image selector that allows selection of an image stored on the image wheel for display; and a bottle mount for securing the case onto the base of a baby bottle.

Rycroft et al. (U.S. Patent No. 6,379,018) teach an illuminated drinking vessel assembly that represents the closest prior art of record. The assembly of Rycroft et al. fails to teach or suggest at least an image wheel receiving slot defined on the case and a transparent image display window disposed on the front of the case.

Art Unit: 3736

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Marmor, II whose telephone number is (571) 272-4730. The examiner can normally be reached on M-TH (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles A. Marmor, II  
Primary Examiner  
Art Unit 3736

cam  
May 24, 2005